

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CURTIS O. JACKSON,

Plaintiff,

v.

KHRIS NEVINS, et al.,

Defendants.

CASE No. 1:14-cv-1081

HON. ROBERT J. JONKER

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**ORDER APPROVING AND ADOPTING IN PART AND REJECTING IN PART  
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties on May 22, 2018. No objections have been filed under 28 U.S.C. § 636(b)(1)(C).

The Magistrate recommends granting Defendants' partial motion for summary judgment on the basis of exhaustion in full. The Court observes, however, that the recommended disposition is slightly narrower than that sought by Defendants. More specifically, Defendants contend the entirety of claim 4 should be dismissed as unexhausted, whereas the Magistrate recommends that a portion of claim 4 has been properly exhausted and should be permitted to go forward.<sup>1</sup> The Court has reviewed the April 1, 2013, grievance, and agrees with the Magistrate that Plaintiff has exhausted claim 4 to the extent it alleges Captain Hogle confiscated Plaintiff's personal property.

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<sup>1</sup> Plaintiff's Complaint presented a myriad of claims. In an Order dated September 19, 2016, the Magistrate organized Plaintiff's allegations into twenty-one separately numbered claims. (ECF No. 45). Plaintiff has not objected, and the Court's numbering of claims has properly been used by the Defendants in the instant motion.

The Court will therefore adopt the overwhelming majority of the Magistrate's Report and Recommendation and reject it only to the extent that it could be construed as recommending that the entirety of claim 4 be dismissed for lack of exhaustion.

**THEREFORE, IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge, filed May 22, 2018, is approved and adopted in part and rejected in part as the opinion of the Court. **IT IS FURTHER ORDERED** that:

1. Defendants' motion for summary judgment on the basis of exhaustion (ECF No. 79) is **GRANTED IN PART** and **DENIED IN PART**. Defendants are granted summary judgment with respect to the following claims as described in the Magistrate's September 19, 2016 Order :
  - a. Claims 1, 7, 8, 14, 19, 20, and 21.
  - b. Claim 4 to the extent it alleges that Deputy Warden Huss, Inspector Nevins, and Capt. Hogle interrogated Plaintiff and that Huss confiscated Plaintiff's property.
  - c. Claim 5 to the extent it alleges wrongdoing against Defendants Corbett and Wood.
  - d. Claim 16 to it alleges Deputy Warden Huss invaded Plaintiff's bodily privacy on any date other than February 27, 2014.
2. This case shall proceed on claims 2, 3, 6, 9, 10, 11, 12, 13, 15, 17, and 18 in full, and on the remaining portions of claims 4, 5, and 16.

Dated: June 26, 2018

/s/ Robert J. Jonker  
ROBERT J. JONKER  
CHIEF UNITED STATES DISTRICT JUDGE